



U.S. Department of Justice

United States Attorney  
Eastern District of New York

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E D N Y

JJD/SDD/MPC

610 Federal Plaza  
Central Islip, New York 11722



**MAR 03 2015**



Order

The application is:  
☒ granted March 3, 2015

☐ denied

☐ referred to Magistrate Judge \_\_\_\_\_ for

☐ opinion

☐ report and recommendation

**LONG ISLAND OFFICE**

By Hand and ECF

The Honorable Sandra J. Feuerstein  
United States District Judge  
United States District Court  
Eastern District of New York  
1010 Federal Plaza  
Central Islip, New York 11722

s/ Sandra J. Feuerstein

U  
3/3/2015

Re: United States v. Justin Kaliebe  
Criminal Docket No. 13-072 (ADS)

Dear Judge Feuerstein:

The defendant Justin Kaliebe pled guilty, on February 8, 2013, to one count of attempting to provide material support to terrorists, in violation of 18 U.S.C. § 2339A(a), and one count of attempting to provide material support to a designated foreign terrorist organization, al-Qaeda in the Arabian Peninsula, in violation of 18 U.S.C. § 2339B(a)(1), and is scheduled to be sentenced on March 4, 2015. On February 16, 2015, the defendant filed a reply sentencing memorandum, wherein he requested a Fatico hearing to address his claim that he acted under diminished capacity at the time of the crimes of conviction. The government welcomes the opportunity to cross-examine the defense witnesses and present additional evidence, so the government consents to the requested Fatico hearing. Additionally, the government is in the process of drafting a response to the defendant's reply memorandum, but needs additional time to file such response. Accordingly, the government respectfully requests that the defendant's Fatico hearing and sentencing be adjourned until March 31, 2015 at 10:00 a.m., a date and time provided by Your Honor's Courtroom Deputy. The government discussed the requested adjournment with Anthony La Pinta, Esq., the

defendant's counsel, who consented to the adjournment and confirmed that the two defense witnesses, Dr. Bardey and Dr. Hitner will be available on March 31, 2015.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By: 

John J. Durham: (631) 715-7851  
Seth D. DuCharme: (718) 254-6021  
Michael P. Carty: (718) 254-6490  
Assistant U.S. Attorneys

cc: Anthony La Pinta, Esq. (By ECF and e-mail)  
Clerk of the Court (ADS) (By ECF)